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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,920	11/15/2001	Klaus Brandt	00216-562001 / Case 8095	5086

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225 FRANKLIN ST
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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 05/13/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,920

Applicant(s)

BRANDT ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-17, 28, 29, 31-33, 36, 37 and 48-50 is/are pending in the application.
- 4a) Of the above claim(s) 10, 18-27, 34 and 38-47 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 is/are allowed.
- 6) ☒ Claim(s) 1-8, 31-33, 37, 48 and 49 is/are rejected.
- 7) ☒ Claim(s) 9, 11-17, 28, 29 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13 & 14
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

The amendment filed on 3-3-2004 has been entered. Upon further consideration, the allowable subject matter of claims 2, 3, 5, 6, 8, 31, 32, 48 and 49 as indicated in the previous Office action has been withdrawn. Any inconvenience to the Applicants is regretted.

Claims Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 31, 32, 37, 48 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Conill (U.S. Patent No. 2,225,257).

Conill discloses a razor comprising a handle (1), a head/housing (2,12) mounted on the handle (1), a razor blade (17) mounted in the head/housing (2,12), a phase change material (8) within the head/housing (2,12), and a thermally conductive material (7) positioned adjacent the phase change material (8) to enhance thermal energy transfer to and from the phase change material (8) as claimed.

3. Claims 1, 7, 33, 37, 48 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Oldroyd (U.S. Patent No. 5,903,979).

In Oldroyd, the phase change material is the shaving enhancement product (see Fig.2) that changes its phase from semi-solid gel to fluid when dissolves in water (see column 1, lines 55-67).

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oldroyd (U.S. Patent No. 5,903,979).

Oldroyd shows all the claimed structure except it does not specifically mention the melting point of the phase change material.

However, it is inherent Oldroyd's phase change material has a melting point of between about 30 to 50 degrees C, since the razor head is to be used under hot tap water (i.e. about 40-50 degrees C).

The claimed discharging/recharging time for the razor is not patentably distinct over Oldroyd, since the discharging/recharging time depends more upon the melting temperature and the quantity of the phase change material than on any inventive concept.

3. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conill (U.S. Patent No. 2,225,257).

Conill's razor as set forth shows all the claimed structure except it does not specifically mention the melting point of the phase change material (8).

However, it is inherent Conill's phase change material (8) has a melting point of between about 30 to 50 degrees C, since the razor head is to be used under hot tap water (i.e. about 40-50 degrees C).

The claimed discharging/recharging time for the razor is not patentably distinct over Conill, since the discharging/recharging time depends more upon the melting temperature and the quantity of the phase change material than on any inventive concept.

4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conill (U.S. Patent No. 2,225,257) in view of Motta et al. (U.S. Patent No. 4,692,986).

Conill's razor as set forth shows all the claimed structure except it lacks a lubricant strip.

Motta et al. show a razor (11) comprising a lubricant strip (17) on the razor head (13).

It would have been obvious to one skilled in the art to modify Conill by providing the razor head (2,12) with a lubricant strip thereon for facilitating shaving comfort as taught by Motta et al.

Indication of Allowable Subject Matter

1. Claims 9, 11-17, 28, 29, 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claim 36 is allowed.

Remarks

Applicants argue, at page 11 of the amendment filed on 8-22-2003, the material disclosed in Conill is not melted, but is rather dissolves in water. Examiner disagrees. By definition, "dissolve" is defined as "to reduce to liquid form: melt".

Applicants argue, at page 9 of the amendment filed on 3-3-2004, a phase change material, as featured in the pending claims, is a material that stores latent heat when melted and releases it during recrystallization. However, the argued limitation (i.e. a material that stores latent heat when melted and releases it during recrystallization) is not found in the claims. The specification is not the measure of invention. Therefore, limitations contained therein cannot be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968).

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 703-308-

1405. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 703-746-3293 for proposed amendments.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

H. Payer

**Harel-Stu Payer
Primary Examiner**

H Payer
May 11, 2004